

EXHIBIT O

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES JIRAK AND)	
ROBERT PEDERSEN,)	
)	
PLAINTIFFS,)	
)	
VS.)	NO. 07 C 3626
)	
ABBOTT LABORATORIES, INC.,)	Judge Castillo
)	Magistrate Judge Keys
DEFENDANT.)	

THE VIDEOTAPE DEPOSITION UPON ORAL EXAMINATION OF
JOANNE KOTMEL, A WITNESS PRODUCED AND SWORN TO BEFORE ME,
AMY L. HOOTEN, CSR, RMR, A NOTARY PUBLIC AT LARGE IN AND
FOR THE STATE OF INDIANA, TAKEN ON BEHALF OF THE
DEFENDANT, AT THE HOLIDAY INN, 4101 HIGHWAY 41 NORTH,
EVANSVILLE, VANDERBURGH COUNTY, INDIANA, ON THE 15TH DAY
OF SEPTEMBER, 2009, COMMENCING AT THE HOUR OF 9:01 A.M.,
PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE AND WITH
WRITTEN NOTICE AS TO TIME AND PLACE.

1 you're doing. No one else is asked to do what
2 you're doing. And there -- there started to
3 become trends that were very negative and against
4 what -- what I wanted to do, and I wasn't able to
5 perform.

6 Once I got hurt I was over -- I was
7 twenty percent disabled. It was an accident. I
8 understand that. But once that happened I wasn't
9 able to continue to be run as a robot every day
10 and follow these expectations that weren't even in
11 my mind feasible to execute. So that's why I left
12 the corporation.

13 Q. Okay. And is that the reason you decided to
14 participate in this lawsuit?

15 A. Yes.

16 Q. Okay.

17 A. I felt that Abbott was wrong to do what they did
18 to us.

19 Q. Okay. And can you explain what you thought that
20 Abbott did was wrong or what you thought Abbott
21 did was wrong?

22 A. Yes.

23 MS. KATZENSTEIN: It's a little vague and
24 ambiguous. Do you understand what she's asking?

1 your sales when you are in another country --

2 Q. Okay.

3 A. -- to a performance review point.

4 Q. Okay. And prior to being placed on a performance
5 review, was there anything else that you thought
6 that Abbott did wrong?

7 A. Oh, yeah. We would go to training and we would
8 literally have to sit there and, I mean, we called
9 it like the robot training, where they would have
10 these model sales calls and you would have to
11 memorize the sales call. You would have to
12 present it in the field. We looked like idiots.

13 I will go on record to anybody, we looked
14 like idiots. We had to memorize it, and the
15 people who memorized it the best, you will see, I
16 can play the game, I came across, I had never done
17 it before, all of the dates are in there. Like I
18 would go up to training and they would be like,
19 wow, Jo Anne really did a good job with saying
20 exactly like we wanted her to.

21 So then there would be someone who would
22 come out in marketing, and they would do a field
23 travel with me, and then they would praise me, you
24 say everything like we want you to. Now we're

1 Q. But -- but did you complain yourself to anyone?

2 A. I am going to say, yes, I communicated on a
3 regular basis with my immediate supervisors.

4 Q. Okay, so your supervis- -- how did you communicate
5 it to your supervisors?

6 A. They knew, you know, that it was as the physicians
7 are laughing. I mean, when we would take a
8 physician and myself would go in to make a call
9 and we would pre-call plan per the company what to
10 say, how to say it, and you would go in and you
11 would regurgitate the pre-call plan, and when the
12 doctor would laugh right in your face, you know,
13 then we would come back and go so how do you think
14 that call went?

15 And the manager would be like, well, you
16 know, that was -- what do you think we could do
17 better in that call? I mean, it was -- there
18 was -- it was almost laughter, it was almost a
19 comical communication of what we were doing from
20 all people.

21 I mean, our managers in a breakout would
22 literally say I know this isn't real world, but
23 this is what Abbott wants us to do. That -- that
24 statement was said a lot.

1 Biaxin, Biaxin XL, then Omnicef.

2 Q. Okay. And when you started promoting all of these
3 drugs, how were you trained about the drug?

4 A. Various ways. We would be sent booklets, like
5 home study. We would go, we would fly to
6 training, like corporate trainings. We took
7 modules and testing online. I know we took tests
8 also in writing, like written tests, but we also
9 took online tests.

10 We had to be certified and then we had our
11 district managers had to certify us in a field
12 visit to make sure that we were verbalizing what
13 they wanted us -- what we had just learned.

14 Q. Okay. And how long did it take you to get up to
15 speed for a particular drug on average?

16 A. Definitely every drug is very different to start.
17 I think to make an accurate statement, going from
18 one antibiotic, like when I sold Biaxin, moving
19 over to Omnicef, very quickly, a week, two weeks,
20 three weeks, but learning a new disease state,
21 like to learn about thyroid disease, I never got
22 up to speed. It's just a very hard disease state.

23 When you are talking about Tricor, it
24 takes years and years. There are physicians that

1 question to her?

2 (WHEREUPON, THE REQUESTED MATERIAL WAS
3 READ BACK BY THE COURT REPORTER.)

4 A. This -- this plan is not -- that's not the only
5 thing we focused on with him. Ceclor was just --
6 he wrote Ceclor, he wrote a lot of Ceclor, and so
7 that's the reason it was put into this plan.

8 Q. Okay. And then for this Jeffrey Hofer?

9 A. Hofer.

10 Q. Hofer. Increase war chest snacks? Why did you
11 decide to increase war chest -- or what does that
12 mean, first of all?

13 A. Yeah, war chest is money. Increase money, talk to
14 the nurses when in the office. Dr. Hofer is a
15 complete no see. Which a no see, to define no see
16 is if you go to an office and you ask to speak to
17 Dr. Hofer, he will not see you.

18 Q. Okay.

19 A. So to see him you have to set up appointments and
20 to do that he needs to be eating.

21 Q. Okay.

22 A. So once again, it's just common sense. None of
23 this -- none of this was to move market share.
24 This was Abbott put this in place so that we were

1 So when you've got a team that three
2 people might have your product or two people might
3 have your product, it was very important that you
4 were as efficient as possible.

5 Q. So you would work with your teammates in order to
6 figure out what made the most sense in terms of
7 which doctors to visit each day?

8 A. Yeah, to get a routing, so that we were just
9 literally working like a machine.

10 Q. Okay.

11 A. You had no flexibility. I mean, you had to hit
12 these calls. If you didn't hit these calls, we
13 would even have to like call the person. I mean,
14 you had no flexibility. You had to do what you
15 were supposed to do every day. And then they were
16 doing the same. That was keeping you -- we had an
17 Indiana week and a Kentucky week.

18 Q. Okay. So that you wouldn't run into the same
19 people?

20 A. Uh-huh. Uh-huh. Correct.

21 Q. Okay. You said that you synced in the morning.
22 What do you mean by that?

23 A. Just calls, like when you make -- we had various
24 different computers. I know they changed

1 be like Omnicef for the treatment of acute
2 maxillary sinusitis by, you know, so and so.

3 Q. Okay. And how would you use these studies during
4 your calls?

5 A. Abbott instructed us exactly how to use them. We
6 would open, we would introduce them, you would go
7 over the dosing, name of the study, the author of
8 the study, the publication of the study, hit three
9 points, conclude it.

10 Q. What are the three points that you would hit?

11 A. Within the study, every study was different, but
12 if this one was on the tolerance and tolerability
13 of Omnicef, maybe it was about these patients were
14 very well tolerated, we rehearsed all of this at
15 like our meetings, we would highlight them, these
16 would be the three points that you should go over.

17 I mean, Abbott prepared us very well. I
18 mean, we were not sent out there not knowing what
19 we were doing. We knew exactly what we were to
20 say to the doctors.

21 Q. Okay. And these studies, even though you were
22 only highlighting a couple of points with the
23 doctors, would you have to read the entire study
24 in order to understand it for yourself?